

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GREGORY HOBBS,

Plaintiff,

v.

No. 15-CV-01136-JCH-KBM

DENNIS MAESTAS, JOHN DOES,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte* pursuant to 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3). On December 14, 2015, Plaintiff filed a Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 against Vincent Horton, the Geo Group, Inc., Dennis Maestas, and the John Doe defendants alleging the violation of Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment. [Doc. 1] On September 16, 2016, the Court issued a Memorandum Opinion and Order dismissing Plaintiff's claims against Defendant Horton and the Geo Group, Inc., but finding that Plaintiff's claims against Defendant Maestas and the John Doe defendants survived initial scrutiny under 28 U.S.C. § 1915. [Doc. 6] The Court afforded Plaintiff "a reasonable amount of time to identify the John Doe Defendants" and directed the Clerk of the Court "to mail notice and waiver of service forms to Defendant Maestas at the Guadalupe County Correctional Facility." [Doc. 6] On October 7, 2016, the mailing to Defendant Maestas was returned as undelivered, with a notation that Defendant Maestas is "no longer here." [Doc. 7]

"[T]he onus [is] squarely on plaintiffs to track down the whereabouts of defendants to effectuate service—rather than obliging courts to assist in this endeavor—even when the plaintiffs are in prison." *Washington v. Correia*, 546 F. App'x 786, 789 (10th Cir. 2013) (unpublished).

Furthermore, “[a] pro se litigant is still obligated to follow the requirements of Fed. R. Civ. P. 4,” *DiCesare v. Stuart*, 12 F.3d 973, 980 (10th Cir. 1993), which provides that an action must be dismissed without prejudice “[i]f a defendant is not served within 90 days after the complaint is filed,” unless “the plaintiff shows good cause for the failure.” Fed. R. Civ. P. 4(m). Therefore, Plaintiff will be required to identify the John Doe defendants and provide a current address for service of process on those defendants, as well as Defendant Maestas, in accordance with Rule 4. Failure to comply with this Order, or to show cause for the failure to do so, may result in the dismissal of this action without further notice.

IT IS THEREFORE ORDERED that, within thirty (30) days from entry of this order, Plaintiff shall file a response identifying the John Doe defendants and providing a current address for serving process on those defendants and Defendant Maestas, or show cause why this action should not be dismissed.


UNITED STATES CHIEF MAGISTRATE JUDGE